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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/726,713
	Filing Date	12/03/2003
	First Named Inventor	Stephen M. Seibel, et al.
	Art Unit	3746
	Examiner Name	Charles Freay
Total Number of Pages in This Submission	Attorney Docket Number	0315-000482/COB

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard		
<table border="1"> <tr> <td>Remarks</td> <td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</td> </tr> </table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Michael J. Schmidt	Reg. No.	34,007
Signature					
Date	April 19, 2005				

CERTIFICATE OF TRANSMISSION/MAILING

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EV 570 162 471 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/726,713
Filing Date: 12/03/2003
Applicant: Stephen M. Seibel, et al.
Group Art Unit: 3746
Examiner: Charles Freay
Title: DUAL VOLUME-RATIO SCROLL MACHINE
Attorney Docket: 0315-000482/COB

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO ELECTION OF SPECIES

Sir:

In response to the Office Action mailed March 21, 2005, Paper No./Mail Date 03172005, please amend and reconsider the above referenced patent application as follows.

The Examiner has required restriction to one of the following patentably distinct species of the invention:

Species Set I:

1. The species principally illustrated in Figure 1;
2. The species principally illustrated in Figure 6;
3. The species principally illustrated in Figure 7;

4. The species principally illustrated in Figure 8;
5. The species principally illustrated in Figure 9; and,
6. The species principally illustrated in Figure 10.

Species Set II

1. The species principally illustrated in Figure 11 and 12,
2. The species principally illustrated in Figure 13;
3. The species principally illustrated in Figure 14;
4. The species principally illustrated in Figure 15;
5. The species principally illustrated in Figure 16;
6. The species principally illustrated in Figure 17;
7. The species principally illustrated in Figures 18 and 19;
8. The species principally illustrated in Figure 20; and,
9. The species principally illustrated in Figure 21.

Species Set III

1. The species principally illustrated in Figure 23A;
2. The species principally illustrated in Figure 23B;
3. The species principally illustrated in Figure 23C;
4. The species principally illustrated in Figure 23D;
5. The species principally illustrated in Figure 23E;
6. The species principally illustrated in Figure 23F;
7. The species principally illustrated in Figure 23G;

8. The species principally illustrated in Figure 23H.

Applicants respectfully traverse this election requirement. The present application is a continuation of Application Serial Number 10/195,280. That application has now issued as U.S. Patent No. 6,679,683. The parent application included all of the information of this application and there was no election requirement presented in the earlier application. Thus, there can be no basis for the Examiner requiring an election of species in the present application. Withdrawal of the requirement is respectfully requested.

Should the Examiner uphold the election of species requirement, Applicants respectfully request the Examiner to proceed with Species 7 of Species Set II which is illustrated in Figures 18 and 19. Applicants believe Claims 100, 102-104, 106, 113-118, 120-122, 124, 131-137, 139-141, 143, 150-157, 159-161, 163 and 170-178 read on the elected species. Applicants request that the non-elected claims be held in abeyance for possible rejoinder and/or further prosecution in future divisional and/or continuation applications.


CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 19, 2005
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303
(248) 641-1600

By:


Michael J. Schmidt
Reg. No. 34,007

MJS/pmg